

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13357 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NAVRANGPURA GAM DHARMADA MILKAT TRUST

Versus

RAMTUJI RAMAJI

Appearance:

MR MI MERCHANT for Petitioners
MR AJ PATEL for Respondent No.1
SMT SIDDHI TALATI for Respondent No.5 & 7
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/10/97

ORAL JUDGEMENT

1. This case has a checkered history but it is not necessary to give out facts of the case in detail as the learned counsel for respondent No.1 is in agreement that this petition may be allowed and the matter may be sent back to the Deputy Collector, Ahmedabad, to hear the

matter afresh after giving the opportunity of hearing to the petitioners.

2. The petitioners, by this Special Civil Application, challenge the order of the Deputy Collector (Land Reforms) Ahmedabad, dated 21.10.93, passed under section 84 of the Bombay Tenancy & Agricultural Lands Act, 1984.

3. The grievance of the petitioners is that under the aforesaid order, the Deputy Collector (Land Reforms), Ahmedabad, ordered for eviction of petitioners from the land in dispute without holding enquiry and without giving opportunity of hearing to them. The learned counsel for respondent No.1 very fairly conceded, as stated earlier, that this order may be set aside on this ground and the Deputy Collector concerned be directed to pass the order afresh by giving opportunity of hearing to the petitioners. In view of this statement made by learned counsel for respondent No.1, the order dated 21.10.93, annexure 'C' impugned in this Special Civil Application, is quashed and set aside and the Deputy Collector (Land Reforms), Ahmedabad, is directed to restore the proceedings to its original number and decide the same afresh in accordance with law after giving opportunity of hearing to the parties concerned. To avoid any delay in the proceedings, the parties are directed to present themselves before the Deputy Collector (Land Reforms), Ahmedabad, on 8th December 1997.

4. The Rule and Special Civil Application stands disposed of in aforesaid terms with no order as to costs.

.....

(sunil)